

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

COPY

KIMBERLY B. TURNER, as)
Personal Representative of)
the Estate of ROBIN)
LEANDER HOWARD, deceased,)
Plaintiff,)

vs.)

No. CIV-14-112-W

THE CITY OF OKLAHOMA CITY,)
OKLAHOMA; JEFF COFFEY,)
individually and in his)
official capacity as a)
police officer; DOUGLAS)
GRADY, individually and in)
his official capacity as a)
police officer; and BILL)
CITTY, individually and in)
his official capacity as)
Chief of Police,)

Defendants.)

DEPOSITION OF JEFFREY EUGENE COFFEY
TAKEN ON BEHALF OF THE PLAINTIFF
IN OKLAHOMA CITY, OKLAHOMA
ON OCTOBER 2, 2015

REPORTED BY: KATHY FOREMAN, CSR #190

Verbatim Reporting, LLC
Phone 405-232-8100 Fax 405-606-8767

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 5

1 Q And were you the officer that
2 attempted to make the traffic stop, or are you
3 the officer that came on the scene afterwards?

4 A Attempted to make the traffic stop.

5 Q Why did you attempt to make a traffic
6 stop, sir?

7 A Subject committed a traffic violation.

8 Q And what was that traffic violation?

9 A Straddling lane lines.

10 Q What was your normal job assignment on
11 that particular day?

12 A I was working a city-approved gang
13 overtime shift.

14 Q And is that what you normally did?

15 A No, sir. My normal shift was the
16 Oklahoma City gang enforcement unit.

17 Q Okay. How did what you were doing on
18 that day differ from what you normally do?

19 A It was just an overtime shift
20 enforcing gang activity.

21 Q Was this something that you wanted to
22 do?

23 A Yes, sir. It's volunteer.

24 Q Because, you know, sometimes people
25 when they are working are forced to work

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 7

1 A No, sir.

2 Q Specifically what do you mean by "he
3 was straddling the line"?

4 A The two driver side tires on the
5 vehicle he was driving crossed the line without
6 him signaling his intention to change lanes, and
7 then he corrected himself back into his lane.

8 Q When he did that, where was this
9 located?

10 A Just north of 23rd, on North Kelley.

11 Q And what did you do after you observed
12 him do this?

13 A I activated my overhead lights.

14 Q Were you in a police car?

15 A I was in a marked Oklahoma City police
16 cruiser.

17 Q Were you in that vehicle alone, or was
18 there another officer with you?

19 A I had a partner with me.

20 Q Who was that?

21 A Sgt. Anderson.

22 Q And you were driving?

23 A Yes, sir.

24 Q You then activated your lights and
25 siren?

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 8

1 A I did. Not siren, just lights.

2 Q You did it, not Officer Anderson?

3 A Correct.

4 Q Does the -- When there are two
5 officers in the car, does the officer actually
6 doing the driving normally activate the lights?

7 A I can't speak for other officers. The
8 car is set up for a single officer's operation.

9 MS. KNIGHT: Let's go off the
10 record for just a second.

11 (Brief recess)

12 MR. BERKOWITZ: Let's go back on
13 the record now.

14 Q (Mr. Berkowitz) I take it, it is
15 physically easier for the driver to access the
16 lights than it would be for a fellow officer in
17 in the passenger seat?

18 A They're located between the two seats,
19 but operational for me specifically, it's easier
20 from the driver's seat.

21 Q When you work the gang enforcement
22 unit, do you normally have a partner with you?

23 A The gang enforcement unit rides in a
24 two-man unit, yes, sir.

25 Q I missed a word in there.

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 9

1 A "The gang enforcement unit rides in a
2 two-man unit, yes, sir."

3 Q Thank you. So you turned on your
4 lights. What happened next?

5 A The subject failed to yield to my
6 emergency equipment.

7 Q Okay. And what happened after that?

8 A He fled.

9 Q What happened next?

10 A After he fled?

11 Q Yes.

12 A He continued to flee.

13 Q And continue telling me what happened.

14 MS. KNIGHT: Do you have a
15 specific question for him instead of a
16 narrative?

17 THE WITNESS: I guess I don't
18 understand the question.

19 Q (Mr. Berkowitz) Well, this fleeing,
20 does it still go on today, or did something else
21 happen?

22 A It comes to an end, yes, sir.

23 Q Tell me how it came to an end.

24 A The vehicle crashed into a clothes
25 line.

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 10

1 Q And in between the beginning of him
2 fleeing and him crashing into a clothes line,
3 did his vehicle come in contact with anything
4 else?

5 A It actually struck another vehicle,
6 yes, sir.

7 Q Do you know -- Can you identify that
8 vehicle that it struck?

9 A I cannot.

10 Q Is that information contained in any
11 record anywhere?

12 A That it struck a vehicle?

13 Q Yes.

14 A Yes, sir.

15 Q Well, the identify of the vehicle that
16 was struck, is that information --

17 A Not to my knowledge.

18 Q At the very least, you didn't obtain
19 that; you've never obtained that information?

20 A Correct.

21 Q And you've never put it in any kind of
22 a report?

23 MR. SMITH: Form.

24 MS. KNIGHT: Object to the form.

25 Q (Mr. Berkowitz) Have you put the

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 11

1 identify of that vehicle in any report?

2 MS. KNIGHT: Object to the form.

3 Q (Mr. Berkowitz) Go ahead.

4 MS. KNIGHT: What do you mean by
5 "identity of the vehicle"?

6 Q (Mr. Berkowitz) There's a vehicle?

7 A Yes, sir.

8 Q What kind of vehicle was it; who owned
9 it?

10 A It was a light-colored sedan.

11 Q Do you have any other information that
12 would allow me to identify the owner of that
13 vehicle?

14 A No, sir, I do not.

15 Q Do you have any information that would
16 allow me to confirm that this happened, that
17 this vehicle was made contact with?

18 MR. SMITH: Object to form.

19 MS. KNIGHT: Same objection.

20 Q (Mr. Berkowitz) Go ahead. Do you
21 have any information about that vehicle
22 whatsoever?

23 MR. SMITH: That's the same
24 question.

25 MS. KNIGHT: Other than what he's

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 12

1 told you and what's in his report?

2 MR. BERKOWITZ: Yes.

3 THE WITNESS: My partner's report
4 would also reflect that.

5 Q (Mr. Berkowitz) Okay. Have you read
6 your partner's report?

7 A I have.

8 Q And by "your partner," you're talking
9 about Officer Anderson?

10 A Sgt. Anderson, yes, sir.

11 Q And you said that there was contact
12 with a clothes line. Was it an actual clothes
13 line or like a post holding up a clothes line?

14 A I believe it to be a steel post with a
15 T at the top, what I would consider to be an
16 actual clothes line.

17 Q Okay. And after the car hit this
18 clothes line, what happened next?

19 A The subject fled from the vehicle on
20 foot.

21 Q And where was the clothes line?

22 A It was beind a house.

23 Q And do you know the address of the
24 house?

25 A 1412 Monticello Court.

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 14

1 A I have.

2 Q And what did he report that he did?

3 A I cannot recall.

4 Q So you exited the vehicle, and what
5 did you do next?

6 A Pursued the subject on foot.

7 Q Okay. Did you eventually catch up to
8 him?

9 A Yes, sir.

10 Q How far did you go before catching up
11 to him?

12 A Approximately 20 to 30 yards.

13 Q When you caught up to him, what did
14 you do?

15 A Attempted to take the subject into
16 custody.

17 Q How did you do that?

18 A Well, our definition of custody is
19 placing handcuffs on someone, so...

20 Q And how did you attempt to accomplish
21 this?

22 A I don't guess I understand the
23 question, sir.

24 Q You eventually did take him into
25 custody?

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 24

1 Officer Grady got there?

2 A Yes, sir.

3 Q Okay. When you had him on the ground
4 but before you got him in the handcuffs, where
5 were his hands?

6 A The situation was dynamic. They were
7 in different spots.

8 Q Where did his hands start out?

9 A Immediately upon hitting the ground?

10 Q Yes, sir.

11 A He postured up in a runner's stance to
12 head to the south.

13 Q I'm sorry?

14 A Postured up in a runner's stance,
15 similar to what you would see someone beginning
16 a race, to take off back to the south in an
17 attempt to flee.

18 Q What did you do in response to that?

19 A I took my left hand and put it up near
20 his shoulder and my right hand down near his
21 waist, attempting to secure the subject.

22 As he was attempting to flee, I
23 attempted to apply strike force pressure, using
24 his knee to his common peroneal to sustain
25 contemporary reflexive inhibitions to that nerve

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 25

1 bundle.

2 Q Okay. Can you say that in less
3 technical language?

4 A There's a large nerve bundle on the
5 outside of your thigh. When pressure is applied
6 to that nerve bundle, it tenses your body enough
7 that I was hoping to be able to gain control of
8 his left arm and place it behind his back.

9 Q Okay. Correct me if I'm wrong. What
10 you described as a runner's stance, are both of
11 his hands on the ground?

12 A They are at this time.

13 Q And your first goal is to apparently
14 gain control of his left hand and arm?

15 A That's the end goal. When someone is
16 attempting to flee, the first goal is to put
17 them back on the ground.

18 Q Were you successful in getting him
19 back on the ground?

20 A Yes, sir.

21 Q And could you describe how you did it
22 but in different language from what you used?

23 A lot of that language that you used
24 just seemed very technical to me. Could you use
25 it in more common language?

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 26

1 MS. KNIGHT: Object to the form of
2 that question. Go ahead.

3 THE WITNESS: I used my knee to
4 apply pressure to that large nerve bundle in his
5 thigh.

6 Q (Mr. Berkowitz) In attempting -- and
7 in attempting to do that, do you place your knee
8 on that spot on his body, or do you --

9 Well, how do you accomplish putting
10 your knee, making the contact with your knee
11 with his body?

12 A That nerve bundle is under a very
13 large muscle. In order to access that nerve
14 bundle, you have to apply force.

15 Q And what do you mean by "applying
16 force"?

17 A It's going to be a strike.

18 Q So it's a strike as opposed to just
19 placing it and putting pressure against it?

20 A Yes, sir.

21 Q So you struck that spot with your
22 knee?

23 A I was unable to do so.

24 Q And why not?

25 A Fights are dynamic, and the subject

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 27

1 was moving.

2 Q So you attempted to do it, and you
3 missed?

4 A Yes, sir.

5 Q You missed the spot that you were
6 trying to strike?

7 A Yes, sir.

8 Q When you missed, did you miss him
9 completely, or did your knee come in contact
10 with another part of his body?

11 A No, sir. As I was performing the
12 strike, he rocked back to attempt to gain
13 momentum to go forward, causing my knee to
14 strike him in the lower abdomen.

15 Q Which side of his body were you on?

16 A The left side.

17 Q And where on his abdomen did you
18 strike him?

19 A I couldn't tell you specifically.

20 Q Can you tell me approximately, whether
21 it be on his left side of his abdomen, right
22 side, middle?

23 A Oh, it would be on the left side. He
24 was face down.

25 Q How did he react to being struck in

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 28

1 the abdomen?

2 A He fell back to the ground.

3 Q And when he fell to the ground, where
4 are his hands now?

5 A Underneath him.

6 Q And did he say anything to you? Had
7 he said anything to you at this point?

8 A No, sir.

9 Q Had he said anything at all at this
10 point?

11 A Not that I recall.

12 Q If he did, would that be something
13 that would normally be put into a report?

14 A Yes, sir, typically.

15 Q What did you do next?

16 A The subject's actions actually
17 determine mine. After hitting the ground, he
18 immediately tried to posture up again to flee
19 back south.

20 Q And describe what this posture was.

21 A A runner's stance again.

22 Q So he basically did the same thing
23 again?

24 A Yes, sir.

25 Q So what did you do now?

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 29

1 A I attempted to access that nerve
2 bundle using my knee again.

3 A Were you successful?

4 A No, sir.

5 Q What happened?

6 A I struck him in his lower abdomen.

7 Q How did he react to that?

8 A He fell back to the ground.

9 Q Where are his hands?

10 A This time they went -- they were
11 underneath his body, but they were in a downward
12 motion back towards his waistband.

13 Q So he was able to move them downward
14 with his body on top of his hands?

15 A Sir, I'm not sure when he got them
16 down there, but they were down there once he hit
17 the ground, yes, sir.

18 Q So he's now down on the ground, if I'm
19 counting right, for the third time. You had
20 taken him to the ground. He popped up. You got
21 him down. He popped up again. You got him
22 down.

23 A Yes, sir.

24 Q On this third time that you got him
25 down, his hands are under his body, right?

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 30

1 A Correct.

2 Q And did you become aware at some point
3 of his hands that are under his body moving down
4 towards his waistband?

5 A I don't specifically remember him
6 moving them, no, sir.

7 Q What did you do next?

8 A I was able to apply a third knee
9 strike and made contact with his common peroneal
10 at that time.

11 Q And how did he react to doing that?

12 A This time he was on the ground. It
13 was not nearly as dynamic, and I was able to
14 pull out his left arm while accessing that nerve
15 bundle.

16 Q During these series of events that
17 we've just been talking about, where he's
18 first -- you first have him down, he pops up
19 into the stance, you get him down, he pops up
20 again, and then you get his arm out from under
21 him --

22 Officer Grady, when did he actually
23 come into the event?

24 A Sgt. Grady was able to vault the fence
25 and assist me prior to the third strike force

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 34

1 A Yes, sir.

2 Q Describe for me how you got him in
3 handcuffs now.

4 A Placed both arms behind his back and
5 applied the handcuffs.

6 Q Did anything -- did you notice
7 anything unusual when you took his arms -- you
8 and Sgt. Grady took his arms behind him and put
9 the cuffs on him?

10 A Not when I took them behind him, no,
11 sir.

12 Q Did you, for example -- I think I read
13 in a report that somebody heard a pop or a
14 crack. Did you hear a pop or a crack?

15 A Yes, sir.

16 Q Tell me what you heard.

17 A It was a popping sound, and it felt
18 much like when someone's arm was to go out of
19 socket, in my opinion.

20 Q Okay. And when did you make that
21 observation?

22 A As his arm was coming out from
23 underneath him.

24 Q And did this gentleman make any kind
25 of auditory sound when that happened?

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 35

1 A Not that I recall.

2 Q Okay. Did he utter any words
3 whatsoever?

4 A No, sir.

5 Q Did you ever hear this man speak any
6 words at all?

7 A Yes, sir.

8 Q When did you first hear him say any
9 words at all?

10 A During the transport.

11 Q Okay. And by "transport," you've got
12 him in your police car?

13 A Correct.

14 Q All right. You've got him now in the
15 handcuffs. What did you do next?

16 A I removed myself from the situation
17 and advised on the radio for EMSA and to let
18 everybody know the subject was in custody.

19 Q And why did you call for EMSA?

20 A He had been involved in a vehicular
21 collision and the popping sound concerned me.

22 Q Okay. And what do you mean by
23 "concerned" you?

24 A I've put many people in handcuffs, and
25 I have not heard a popping sound like that.

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 41

1 Q Okay. Have you ever seen a report
2 from the fire department after they arrive on a
3 scene?

4 A Not that I recall.

5 Q Okay. So the firemen walked away, and
6 I take it they left the scene?

7 A Yes, sir.

8 Q And did the EMSA arrive before or
9 after the fire department left the scene?

10 A Prior to.

11 Q And based on whatever the firemen were
12 saying, I take it, EMSA just left the scene?

13 A Yes, sir.

14 Q Did you have any communication with
15 the EMSA personnel?

16 A I did.

17 Q Describe the contact you had with the
18 EMSA personnel.

19 A I explained something to the effect:
20 If he was refusing medical treatment by fire, I
21 was going to transport him to the hospital, so
22 they were no longer needed on scene.

23 Q And even though he was refusing
24 medical treatment, you felt that he should be
25 taken to be checked out by medical personnel?

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 42

1 A I needed a medical clearance to put
2 him into the Oklahoma County jail, yes, sir.

3 Q I take it the fire department, that's
4 not sufficient medical clearance?

5 A I don't know Oklahoma County policies.
6 In my opinion it is not.

7 Q And so if he needed -- if you needed
8 medical clearance, why not have the EMSA people
9 see the man?

10 A EMSA doesn't complete the medical
11 clearance. It's completed by a doctor.

12 Q Okay. All they do is make a
13 determination as to whether or not he should be
14 transported by ambulance or not?

15 A Yes, sir.

16 Q And where did you take him?

17 A Southwest Medical Center.

18 Q And why did you take him to Southwest?

19 A Southwest Medical Center, they cater
20 to law enforcement. I've been into other
21 hospitals that won't give you a room immediately
22 upon entering, and Southwest is very good about
23 getting you in and getting you to a room, so
24 you're not sitting outside with an arrested
25 subject.

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 51

1 backed away," did you step up and back away with
2 him?

3 A No, sir.

4 Q He's in handcuffs. He's on the
5 ground. You step up and back away?

6 A Yes, sir.

7 Q How far away did you step away?

8 A Five to ten feet maybe.

9 Q Okay. How did this man get up off the
10 ground?

11 A Sgt. Anderson assisted him.

12 Q With Sgt. Grady?

13 A I couldn't tell you, sir.

14 Q Why did you step back?

15 A I was getting on the radio to inform
16 all the officers coming that the subject was in
17 custody, and starting EMSA.

18 Q And the cell phone that was found, did
19 you personally see it?

20 A Yes, sir.

21 Q When did you see it?

22 A Shortly after he got up.

23 Q Did you ever see it before he was
24 actually in custody?

25 A I believe I did, yes, sir.

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 52

1 Q When you say you believe you did, what
2 do you mean?

3 A As he was rounding the corner of the
4 house, I was able to observe something silver in
5 his hand. At the time I didn't know if it was a
6 gun or a knife or possibly this silver cell
7 phone.

8 Q You observed he had something in his
9 hand that you believed was silver?

10 A Correct.

11 Q Now, in addition to being deaf, I'm
12 also color blind. By any chance are you color
13 blind?

14 A No, sir.

15 Q And this is during the day, isn't it?

16 A Yes, it is.

17 Q And you believe that what you observed
18 turned out to be the cell phone?

19 A Yes, sir.

20 Q Do you know whether or not that cell
21 phone is still in police custody?

22 A I do not.

23 Q What's the normal procedure for
24 property of that type in this situation? Would
25 it normally still be held, or would it be

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 57

1 to put the cuffs on in front of them, then
2 obviously you don't have to put them behind
3 them?

4 A That would be correct.

5 Q Once you had this gentleman down on
6 the ground, his hands are pinned underneath him,
7 did you ask him or tell him to put his hands
8 behind him?

9 A Absolutely.

10 Q And did he give any kind of verbal
11 response to that?

12 A No.

13 Q Did he make any kind of reaction when
14 you asked him or told him to put his hands
15 behind him?

16 A He made no effort to put his hands
17 behind his back.

18 Q By the way, did you ask him or did you
19 tell him to put his hands behind him?

20 A I told the subject.

21 Q How did you do that?

22 A "Put your hands behind your back."

23 Q And when you're telling him to put his
24 hands behind his back, are you holding him down?

25 A I am maintaining control of the

Kimberly B. Turner, et al. v. City of Oklahoma City, et al.
Deposition of JEFFREY EUGENE COFFEY

Page 59

1 MS. KNIGHT: At what point?

2 Object to the form.

3 Q (Mr. Berkowitz) At the point where
4 just before you get his hands behind him, you've
5 asked him to get -- you've told him to put his
6 hands behind his back?

7 A Multiple times.

8 Q In between the last time that you got
9 him down on the ground and the time that you
10 yourself were able to get his hands behind his
11 back, he is flat on the ground with his hands
12 underneath him, correct?

13 A Correct.

14 Q During that period of time, if his
15 hands are under his body and you've got him down
16 on the ground, how could he get his hands out at
17 that point?

18 A He was forcefully holding his hands in
19 a downward motion towards his waist underneath
20 him. When I was attempting to pull his arm out,
21 I could feel the muscles in his arm as he was
22 pulling towards his core.

23 Q So it's your testimony that he's
24 resisting?

25 A Yes, sir.